

United States Courts
Southern District of Texas
FILED

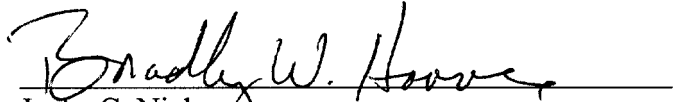
CIVIL ACTION NO.H-01-3624
(Consolidated)

individually in a different forum. However, American National should not be permitted to divide its claims into Federal Securities Exchange Act class claims in one forum and individual state claims in another forum. American National's state law claims are so related to the claims brought in the *Newby* consolidated class action that they form part of the same case or controversy under Article III of the United States Constitution. Plaintiffs' state law claims are not truly separate and distinct. They allege the same fraudulent scheme, based on the same conduct, arising from the same nucleus of operative facts. Judicial efficiency as well as the best use and preservation of limited party resources compels consolidation of this action.

Underlying American National's objection to consolidation is its objection to removal. There is no reason that the case should not be consolidated into *Newby* if it was properly removed. Defendants Causey and Buy consented to removal of Plaintiffs' lawsuit. As explained in Arthur Andersen's Response to Plaintiffs' Motion to Remand filed February 26, 2002, which is adopted and incorporated herein by reference, this case was properly removed.

For the reasons stated in Arthur Andersen's Response to Plaintiffs' Motion to Remand, the reasoning of this Court in *Coy v. Arthur Andersen*, and the reasons set forth above, Defendants Causey and Buy respectfully request this Court to deny American National's request for oral argument, overrule American National's objection to consolidation and deny American National's Motion to remand.

Respectfully submitted,



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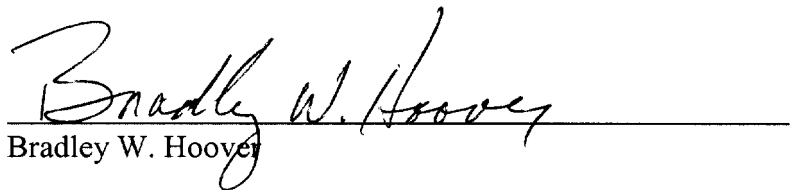
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was forwarded to all known counsel of record by facsimile on this 27th day of March, 2002.


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